

PROPOSED NEW CHARTER

(Continued From Page One.)

any ordinance or resolution of all such resolutions as this charter or the City Commission, by its rules shall prescribe, shall be taken by "Yes" and "No" vote and entered upon the record. See Fees, Absences, Vacancies.

Section 12. (a)—The salary of each Commissioner shall be three dollars (\$3.00) for each regular meeting that he may attend. No pay for special meetings.

(b)—In case of a vacancy in the office of City Commissioner, the vacancy for the unexpired term shall be filled by the remaining Commissioners within thirty days after such vacancy occurs; provided, however, that the affirmative vote of a majority of the remaining members shall be required to elect.

Powers of Mayor. (a)—Insofar as required by law, and for all ceremonial purposes the Mayor shall be the executive head of the city. He shall have a voice and vote in the proceedings, but no veto power.

(b)—He shall authenticate by his signature such instruments as the City Commission, this charter or the laws of the state shall require.

(c)—He shall exercise only such powers as the state laws, this charter, or the City Commission specifically confer upon him.

Appointments. Section 14. (a)—The City Commission shall elect a Mayor, City Manager, City Clerk, Health Officer, City Attorney and City Assessor, all of whom, except as otherwise provided in this charter, shall hold office at the pleasure of the City Commission.

(b)—The City Commission shall also appoint the members of all boards authorized by this charter, except the board of education, and all officers thus appointed shall enter upon their official duties on the first Monday following their appointment and shall serve until their successors are chosen; provided, however, that the Commission shall have the right to discontinue any office created by it, or to appoint a successor to any appointed officer of the city, when in its judgment the best interest of the city will be enhanced thereby.

The Commission may also increase or decrease the salaries of all appointed officers during their continuance in office, and specify the manner in which their salaries shall be paid, and shall also appoint such other officers as may be required by law.

Section 15. The Commission may, by resolution, declare that certain specific sidewalks, curbs, gutters and shade trees adjacent to any property abutting on any public street, shall be constructed, repaired, planted or removed. Upon the passage of such resolution, the City Manager shall cause written notice of the passage thereof to be served upon the owner of each parcel of land abutting upon such street, in the manner provided by law for the service of summons in circuit court civil actions. He shall return a copy of the notice, with the time and manner of service endorsed thereon, signed by the person serving it, to the city clerk, who shall file and preserve such return. For the purpose of such service, if the owner of any such property be not a resident of the city, any person charged with the collection of rent, or the payment of taxes on such property, or having control thereof in any way, shall be regarded as the agent of the owner and service upon such person shall have the like force and effect as though personal service were made upon the owner thereof. If it appears in any such return, however, that the owner is a non-resident, or that neither said owner nor agent can be found, one publication of a copy of the resolution in a newspaper of general circulation published in the city shall be deemed sufficient notice to such owner.

Section 16. If such sidewalks, curbs, gutters or trees planted or removed within 30 days after the service of the notice provided for in the preceding section, or the completion of the publication thereof, the City Manager may proceed by direct employment of labor or by contract to carry out the said construction or repair at the expense of the owner, as in case of other improvements; and all such expense shall be reported by the City Manager to the Commission. The Commission shall thereupon, by ordinance, assess the cost and expense thereof upon the owner or owners of all property bounding or abutting thereon or benefited thereby, and such assessment shall be collected in the same manner as other assessments, with a collection fee of five per cent and interest for failure to pay at the time fixed by the assessment resolution.

Section 17. The Commission may at any time borrow money and authorize the issuance of notes and bonds therefor, in anticipation of the collection of assessments levied for the purpose of paying the cost of constructing or repairing sidewalks, curbs, gutters, which are to be or have been constructed by the City Manager upon the failure of the owners of the property to construct or repair the same, pursuant to notice as hereinbefore provided.

Section 18. The Commission shall provide, by ordinance, for the care, supervision, control and improvement of public highways, streets, avenues, alleys, sidewalks, public grounds and bridges, within the city, and shall cause them to be kept open, in repair and free from mud.

Section 19. When it deems it necessary the Commission may cause any street, alley or public highway to be opened, straightened, altered, diverted, narrowed, widened or vacated.

Section 20. No street or alley hereafter dedicated to public use by the proprietor of ground platting in the city shall be deemed a public street or alley or under the care and control of the Commission unless the dedication be accepted and confirmed by ordinance passed for such purpose, or unless the provisions hereof relating to subdivisions shall have been complied with.

Section 21. The Commission in vacating any street or part of street or changing the name of any street, may include in one ordinance the change of name or the vacation or narrowing of more than one street, avenue or alley, but before vacating any street or part thereof or narrowing any street the Commission shall first pass a resolution declaring its

intention, so to do. The City Manager shall cause notice of such resolution to be served in the manner that service of summons is required to be made in circuit court civil actions upon all persons whose property abuts upon the portion of the street affected by the proposed vacation or narrowing and by publication once in one newspaper of general circulation published in the city as to all the persons who cannot be personally served. Said notice shall state the time and place at which objections to said proposed improvement may be heard before the commission. The Commission may by ordinance declare such vacation or narrowing and such order of the Commission vacating or narrowing a street or alley which has been dedicated to public use by the proprietor shall, to the extent to which it is vacated or narrowed, operate as a revocation of the acceptance thereof by the Commission; the right of way and easement therein of any lot owner shall not be impaired thereby.

Section 22. The Commission shall determine its own rules of procedure, may punish its members for disorderly conduct, and may compel the attendance of its members.

Section 23. The Commission shall prescribe the time of its meetings, which shall be held at the City Hall, provided that one regular meeting be held semi-monthly, and shall prescribe the manner in which special meetings thereof may be called.

Section 24. The Commission shall, in addition to all the powers herein expressly granted, have and possess all the powers heretofore granted by the general laws of this State to city councils, or that may belong to such bodies by reason of their being the legislative body within the city.

ORDINANCES. Section 1. The enacting clause of all ordinances shall read, "The City of Belding Ordains," but such ordinance may be cited when said ordinance is published in book form or are revised and digested by authority of the Commission.

Section 2. The adoption of an ordinance by the Commission shall require for its passage the concurrence of a majority of the members of the Commission.

Section 3. The time when an ordinance shall take effect shall be prescribed therein. No ordinance, except emergency measures and the annual appropriation bill, shall go into effect until twenty days after its passage, nor shall any resolution or ordinance for a bond issue, franchise, or general public improvement calling for the expenditure of money from the general funds of the city, go into effect for a like period of twenty days after being passed by the Commission. If, at any time within the said twenty days, a petition signed by twenty-five per cent of the highest vote cast for commissioner at the last municipal election be filed with the city clerk requesting that any such ordinance be repealed, amended, rescinded, or submitted to a vote of the electors, it shall not become operative until the steps indicated herein shall have been taken, and said petition shall have been printed or written thereon the names and addresses of at least five electors who shall be officially regarded as filing such petition.

Section 4. All ordinances shall be published once within one week after their passage, in one or more newspapers of general circulation printed within the city, and the city clerk shall certify on the record of ordinances the date of publication and newspaper in which any ordinance was published, and such certificate shall be prima facie evidence that legal publication of such ordinance has been made.

Section 5. No ordinance shall be finally passed on the day it is introduced, except in case of public emergency, and then only on request of the Mayor in writing, and except also the annual appropriation bill.

Section 6. All ordinances shall be recorded in an indexed book marked "Ordinance Record," and the record of each ordinance shall be authenticated by the signature of the Mayor and City Clerk. Such record and authentication shall be done within one week after the final passage of any ordinance, but failure to so record and authenticate any ordinance shall not invalidate it or suspend its operation.

Section 7. Immediately upon the final passage of any ordinance, the Mayor and City Clerk shall sign the same under a certificate of the day and date of its passage, and except also the annual appropriation bill.

Section 8. No repealed ordinance shall be revived unless the whole or so much as is intended to be revived shall be re-enacted. When any section or part of a section of any ordinance is amended, the whole section as amended shall be re-enacted.

Section 9. Prosecutions for the violation of the ordinances of the city shall be commenced within two years after the commission of the offense; provided, that the limitations herein imposed shall only apply to violations penal in their nature, and shall not be construed as a limitation of the city's right to forfeit any franchise, grant or license for violation of the ordinances, or to recover damages therefor, after said two-year period.

Section 10. Prosecutions for the violations of the ordinances of the city, except against corporations, may be commenced by warrant, and all process in such cases shall be in the name of "The People of the State of Michigan." The practice in such cases shall be the same as near as may be, as in the criminal cases cognizable by justices of the Peace under the general laws of the State.

Section 11. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction thereof, such penalty or forfeiture may be recovered in an action of debt, or in assumpsit; and if it be a forfeiture of any property, it may be sued for and recovered in an action of trover, or other appropriate action. Whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be paid for in one of the actions aforesaid.

Section 12. All process issued in any prosecution or proceeding for the violation of any ordinance of the city shall be directed to the city manager or constable of the city, and may be executed in any part of the State by any officer authorized by law to so serve process.

Section 13. Fines paid into the city treasury for violations of ordinances of the city shall be disposed of as the Commission may direct. The expenses of the apprehension and punishment of persons violating the ordinances of the city excepting such part as shall be paid by costs collected, shall be defrayed by the city.

Section 14. Ordinances submitted to the Commission by initiative petition, and passed by the Commission without change or passed in an amended form and not required to be submitted to vote of the electors by the committee of the petitioners, shall be subject to the referendum in the same manner as other ordinances.

Section 15. Ordinances passed as emergency measures shall be subject to referendum in like manner as other ordinances, except that they shall go into effect at the time indicated in such ordinances. If, when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed as regards any further action thereunder, but such measure so repealed shall be deemed sufficient authority for payment, in accordance with the ordinance, of any expense incurred previous to the referendum vote thereon.

Section 16. Whenever the Board of Registration as provided in this charter shall be in session, each elector in the City of Belding shall be entitled to have his name placed in the register for the precinct in which he resides by application to such Board in the same manner as that provided by the law for the registration of voters in cities and townships. No person shall be permitted to vote at any municipal election held in said city without having been registered.

Section 17. In all other matters not herein specifically provided for, the general laws of the State of Michigan applicable to the registration of electors shall apply and be in force in this city when not inconsistent with the provisions of this charter.

NOMINATIONS AND ELECTIONS. Section 1. The registration of voters, nominations and elections held under this charter shall be in accordance with the general laws of the State, except as herein otherwise provided. Nothing in the laws of the State applying to party registration, enrollment or any other party procedure shall apply to registrations, nominations and elections held hereunder.

Section 2. The registration of voters, nominations and elections held under this charter shall be in accordance with the general laws of the State, except as herein otherwise provided. Nothing in the laws of the State applying to party registration, enrollment or any other party procedure shall apply to registrations, nominations and elections held hereunder.

Section 3. The registration of voters, nominations and elections held under this charter shall be in accordance with the general laws of the State, except as herein otherwise provided. Nothing in the laws of the State applying to party registration, enrollment or any other party procedure shall apply to registrations, nominations and elections held hereunder.

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Section 6. The registration of voters, nominations and elections held under this charter shall be in accordance with the general laws of the State, except as herein otherwise provided. Nothing in the laws of the State applying to party registration, enrollment or any other party procedure shall apply to registrations, nominations and elections held hereunder.

Section 7. The registration of voters, nominations and elections held under this charter shall be in accordance with the general laws of the State, except as herein otherwise provided. Nothing in the laws of the State applying to party registration, enrollment or any other party procedure shall apply to registrations, nominations and elections held hereunder.

Section 8. The registration of voters, nominations and elections held under this charter shall be in accordance with the general laws of the State, except as herein otherwise provided. Nothing in the laws of the State applying to party registration, enrollment or any other party procedure shall apply to registrations, nominations and elections held hereunder.

Section 9. The registration of voters, nominations and elections held under this charter shall be in accordance with the general laws of the State, except as herein otherwise provided. Nothing in the laws of the State applying to party registration, enrollment or any other party procedure shall apply to registrations, nominations and elections held hereunder.

Section 10. The registration of voters, nominations and elections held under this charter shall be in accordance with the general laws of the State, except as herein otherwise provided. Nothing in the laws of the State applying to party registration, enrollment or any other party procedure shall apply to registrations, nominations and elections held hereunder.

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Section 19. The registration of voters, nominations and elections held under this charter shall be in accordance with the general laws of the State, except as herein otherwise provided. Nothing in the laws of the State applying to party registration, enrollment or any other party procedure shall apply to registrations, nominations and elections held hereunder.

Section 20. The registration of voters, nominations and elections held under this charter shall be in accordance with the general laws of the State, except as herein otherwise provided. Nothing in the laws of the State applying to party registration, enrollment or any other party procedure shall apply to registrations, nominations and elections held hereunder.

Section 21. The registration of voters, nominations and elections held under this charter shall be in accordance with the general laws of the State, except as herein otherwise provided. Nothing in the laws of the State applying to party registration, enrollment or any other party procedure shall apply to registrations, nominations and elections held hereunder.

Section 22. The registration of voters, nominations and elections held under this charter shall be in accordance with the general laws of the State, except as herein otherwise provided. Nothing in the laws of the State applying to party registration, enrollment or any other party procedure shall apply to registrations, nominations and elections held hereunder.

Section 11. Special elections may be called by resolution of the City Commission. Said resolution shall set forth the time, purpose and place of such special election; provided, that not more than two such special elections shall be called in any one year.

REGISTRATION. Section 1. The city clerk shall constitute a Board of Registration for the entire city, and for that purpose shall be in session at the office of the city clerk, on the Saturday next preceding a general election, or any special election, and on each other day as shall be appointed by the Commission, not exceeding three days in all, previous to any such election, from eight o'clock in the forenoon until eight o'clock in the afternoon.

Section 2. The city clerk shall provide a suitable register for each polling precinct in the city, and in such register shall be kept an accurate registration of all the qualified electors of such precinct in the same manner as that prescribed for registration in cities of the same class.

Section 3. At all times when not in use at the various polling places in the city, the books of registration required by law shall be kept in the office of the city clerk.

Section 4. Whenever the Board of Registration as provided in this charter shall be in session, each elector in the City of Belding shall be entitled to have his name placed in the register for the precinct in which he resides by application to such Board in the same manner as that provided by the law for the registration of voters in cities and townships. No person shall be permitted to vote at any municipal election held in said city without having been registered.

Section 5. In all other matters not herein specifically provided for, the general laws of the State of Michigan applicable to the registration of electors shall apply and be in force in this city when not inconsistent with the provisions of this charter.

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Section 3. The registration of voters, nominations and elections held under this charter shall be in accordance with the general laws of the State, except as herein otherwise provided. Nothing in the laws of the State applying to party registration, enrollment or any other party procedure shall apply to registrations, nominations and elections held hereunder.

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ten days before such election. In case of a special election, the notice shall set forth the purpose and object of such special election as fully as is required in the resolution or petition calling the same.

Conduct of Elections. Section 9. (a)—The members of the City Commission shall be nominated by petition. The form of the ballots, the method of conducting elections and the rules for counting the ballots shall be governed by ordinance to be enacted by the City Commission, which ordinance shall contain all the provisions relating thereto hereinafter prescribed in the schedule of this charter.

(b)—At the regular municipal election at which the Justice of the Peace is to be elected, the candidate receiving the highest number of votes shall be declared elected.

(c)—At the regular municipal election at which the Constables are to be elected the candidates receiving the highest number of votes shall be declared elected.

(d)—All cases of contested elections for municipal offices shall be decided by the City Commission as nearly as may be in accordance with the laws of the state regulating the proceedings in cases of contested elections of county officers.

Section 10.—At any general or special election held in said city at which elective offices are to be filled, it shall be the duty of the City Clerk to prepare the ballots therefor in a number and manner as required by the state law, except that the names of all candidates for elective offices shall be printed on one ballot and shall be headed "Official Ballot for city officers," but shall have no party designation or mark whatever.

The names of the candidates, to be voted for shall appear on such ballot in the following order: City Commissioners; Justices of the Peace; Constables.

Section 11. All candidates for each office shall be grouped and immediately above the names of all candidates for an office there shall appear the words "Vote for One," except that when more than one is to be elected for the same office, it shall indicate above the names of the candidates the number to be voted for. The provisions of the general law for transposing and altering the names of the candidates shall apply to the said ballot.

THE ADMINISTRATIVE SERVICE. Section 1.—The City Commission shall appoint a City Manager who shall be the administrative head, of the municipal government under the direction and supervision of the City Commission and who shall hold office at the pleasure of the City Commission. He need not be a resident of the city at the time of his appointment. During the absence or disability of the City Manager, the City Commission may designate some properly qualified person to execute the functions of the office.

Section 2. The powers and duties of the City Manager shall be: (a)—To see that all laws and ordinances are enforced.

(b)—Except as herein otherwise provided, to have power of appointment and removal over all city employees not appointed by the City Commission.

(c)—To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise or in any contract, are faithfully kept and performed.

(d)—To have general supervision over all public improvements works and undertakings, except as otherwise provided in this charter.

(e)—To attend all meetings of the City Commission with the right to take part in the discussions, but having no vote.

(f)—To prepare the annual budget and keep the City Commission fully advised as to the financial condition and needs of the city.

(g)—To recommend to the City Commission for their adoption such measures as he may deem necessary or expedient.

(h)—To see that all accidents to city employees are reported to the State Industrial Accident Board.

(i)—To perform such other duties as may be prescribed by this charter or by the City Commission.

Section 3. (a)—The City Clerk shall be clerk of the City Commission. He shall attend all meetings of the City Commission, and shall keep a permanent journal of its proceedings. He shall keep a record of all ordinances, resolutions and regulations of the City Commission.

(b)—He shall be custodian of the city seal and shall affix it to all documents and instruments requiring the seal, and shall also be custodian of all papers, documents and records pertaining to the city of Belding the custody of which is not otherwise provided for. He shall give to the proper department or officials ample notice of the expiration or termination of any franchises, contracts or agreements. He may administer all oaths required by this charter or by the City Commission.

(c)—He shall certify by his signature all ordinances and resolutions enacted or passed by the City Commission and perform any other duties required of him by this charter or by the City Commission.

(d)—The Clerk shall be the general accountant of the city and all claims against the municipal corporation shall be filed with him for payment; and, after examination thereof, he shall report the same, with all accompanying vouchers and counterclaims of the city and the true balance as found by him to the Commission for allowance and when allowed by the Commission, shall draw his warrant, countersigned by the City Manager or Mayor in his absence, for the payment thereof, designating thereon the fund from which payment is to be made. The Clerk shall not draw any warrant upon any fund after the same has been exhausted.

(e)—The Clerk shall exercise a general supervision over all officers charged in any manner with the receipt, collection and disbursement of the city revenues and over all the property and assets of the city. Except as otherwise provided herein, he shall have charge of all books, vouchers and documents relating to the accounts, contracts, debts and revenues of the municipal corporation; he shall countersign and register all bonds issued; and keep a list of all the property and effects belonging to the city and all its debts and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the municipal corporation and all its accounts, funds, resources and liabilities, with a proper classification thereof, showing the purpose for which each fund was raised. He shall also keep a separate account with each fund in which he shall credit them with all moneys received for each of the several funds of the said city and shall charge them with all warrants drawn thereon. When any fund has been exhausted the clerk shall immediately advise the Commission thereof.

The Clerk shall present to the Commission at each regular Commission meeting, a detailed statement of the receipts, expenditures and financial condition of the city, of the debts to be paid and the money required to meet the estimated expenses of the municipal corporation. He shall, in conjunction with the City Manager, assist in preparing the annual budget and shall perform such other duties pertaining to his office, or otherwise, as the Commission may require.

The Clerk may, subject to the approval of the Commission, appoint a deputy who shall possess all the powers and authority of the Clerk and may exercise all the duties thereof subject to the control of the Clerk, unless otherwise provided by the Commission. The Clerk shall be responsible for all the acts and defaults of such deputy and he may remove such deputy at his pleasure.

Before entering upon the duties of his office he shall take the official oath and he shall execute a bond to the city of Belding for the faithful performance of his trust in such sum as may be fixed by the Commission, which bond shall be filed with the Mayor and the premium on said bond paid out of the General fund of the city.

Section 4. He shall also be the treasurer of the city and shall have the custody of all moneys and all evidence of value belonging to the city or held in trust by the city.

(b)—He shall receive all moneys belonging to and receivable by the city, including license fees and shall keep a correct account of all receipts and expenditures. He shall collect all taxes, assessments and other charges belonging to and payable to the city.

(c)—He shall keep and deposit all moneys or funds in such manner and only in such places as the City Commission may determine. He shall report in detail to the City Commission each month all moneys collected by him.

(d)—He shall pay no moneys out of the treasury except in the manner prescribed in this charter.

(e)—He shall have such powers and duties in regard to the collection and custody of the taxes and moneys of School District Number Nine of the city of Belding as may be conferred upon him by this charter or by the laws governing said School District.

(f)—He shall perform such other duties as may be prescribed for him by this charter or by the Director of Finance.

City Attorney. Section 5. (a)—The City Attorney shall act as legal adviser to and

(Continued on Page Six)

erty and effects belonging to the city and all its debts and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the municipal corporation and all its accounts, funds, resources and liabilities, with a proper classification thereof, showing the purpose for which each fund was raised. He shall also keep a separate account with each fund in which he shall credit them with all moneys received for each of the several funds of the said city and shall charge them with all warrants drawn thereon. When any fund has been exhausted the clerk shall immediately advise the Commission thereof.